

Public Penance

The diocesan authority sometimes impose a church repentance or a **public penance** for offences and crimes which are found by actions under examination in a diocesan department or by sentences of secular offices¹ (refer to note 2 on p. 1020). The term and pattern of the passage of repentance is defined by the diocesan authority² according to the nature of the offences and crimes³ on the basis of the church canons⁴ (Ustav Dukhovnikh Konsistorii [Ustav of the Theological Consistory] 276-277; Ulozhenie o nakazaniakh [Penal Code], article 58, publ. in 1885; Ustav ugolovnoi sudoproizvodstvo [Ustav of Criminal Law], article 973, publ. in 1892). Public penance should be assigned without the removal of secular officials from service and being settled from houses and work, but only under the supervision of parish priests⁵ and rural or volost authorities in the cities are mediation authorities, according to the status and vocation of each⁶ (Ustav about the Prevention and Suppression of Crime, article 22, publ. 1890). The general means of fulfilling a penance should imposed so that they would unflinchingly fall on all feasts and Sundays, but for others whenever possible (in the monasteries on all days), unconfusedly went to church and in it before the iconostasis did 25 or more full prostrations while saying the prayer of the Publican: "O God, have mercy on me, a sinner"; on Wednesdays and Fridays did the dry fast, but confessed during lent (see note 19 on p. 993; refer to the Tserkovnyi Viestnik [Church Messenger], 1892, 9). Let him be forbidden from Holy Communion, except in case of death. Besides this, bearing a penance may fulfill some kind of pious deeds, according to his situation, for example: distributing alms, visiting and seeing the sick, home prostrations with the Jesus Prayer and the like⁷ (Uk. Sv. Syn. [Decrees of the Holy Synod], 1851, VII, 11). Public penance, though, is usually appointed on certain dates of the year (Ustav Dukhovnikh Konsistorii [Ustav of the Theological Consistory], 277), but, by the rules of the Holy Fathers and under the decree of the Holy Synod of March 21, 1870, it may be reduced or lengthened, depending on the feelings and condition of the penitent⁸.

Priests should not **keep persons**, assigned for verification for the church for duration of the penance, **in their houses**, but furthermore they should not **use them gratuitously for work** in their household (Samarskiiia Eparkhial'nyiia Vedomosti [Samara Diocesan News], 1870, 20).

Concerning the tradition of secular persons for church repentance, the Don Spiritual Consistory, according to the resolution of December 16, 1888, confirmed by His Eminence, ordered the following for the management and performance of the Don clergy:

1) Excommunication from Holy Communion for more or less the duration, as the penance is heavy, there ought to be strong motive for whoever has been subjected to this penance to come to the consciousness of the weight of the sin done by him, but for them to be released from this, stronger efforts through sincere repentance to plane down the lie of sin and to pacify the conscience through deeds of piety. This, in turn, should encourage those undergoing excommunication from Holy Communion more zealously to devote their time in prayerful ascetic effort and, this is possible by attending church services more often, to cleanse their conscience by preparation for the sacrament and confession before their father confessors. Meanwhile the spirit of contemporary times gives grounds for the fear that excommunication by others may be turned into an apology for unconcern about attending church divine services and performing the Christian obligation of confession. That is why **priests** are charged with pastoral management for those separated from Holy Communion. It is necessary for the management of those in their moral correction. They **should** often **talk** with them and to explain to them the idea and goal of accomplishing their spiritual judgment.

2) By the church canons, on which basis the transgressors are exposed to temporary excommunication, it is permitted to reduce the penance term, depending on the arrangement and pattern of the repentance of the penitent (I, 12). It is self-understood that the degree of correction of the penitent may only be defined by their management of the father confessor. But the latter should not **reduce the penance term** by his authority, but should ask the archpastor for permission on this: on what authority do the assigned penances depend and its definition of the term, on the same authority should depend and carry the penances before the expiration of the defined term.

3) **In case of fear** of near death, nobody should refuse the administration of the Holy Eucharist, even though the dying was found in excommunication, if only he expresses the desire to partake (I, 13; Ancyra, 6; Carthage, 7). It is clear that in this case the request for archpastoral permission may not always take place.

4) If the condition of the sick under penance, after receiving Holy Communion, remains stable, then he should after recovery fulfill his term, or end the fulfillment of the penance (Ank., 6).⁹

¹ So, e.g. except what is defined under the civil law of punishment, the **civil court defined** a penance at the discretion of the spiritual authorities: for apostasy of the faith, false oath, suicide attempt, adultery and so forth. (Ulozh. o nakaz. [Imposing the Punishment], 188, 240, 1473, 1593 and others, publ. in 1885).

² According to the sentences of military and civil courts, church penances are imposed on **military personnel** by diocesan Hierarchs (Vysoch. utv. [Imperial Confirmation] 1890, IV, 12, polozh. ob upr. tser. i dukh. voien. i mor. bed. , article 23).

³ In the Ukase of the Holy Synod of August 21, 1872, № 1670, given in the name of one of the diocesan Hierarchs, it is explained that the judgment suit of **prodigal cohabitation** of Orthodox, as between themselves, so with the schismatics and other believers, does not at all relate to the subjects of the spiritual departments, which should work against this common evil with exhortations and, in cases specified by church and civil laws, with church penalties, but by no means with police measures (Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 192).

The local diocesan authority has made known to the clergy of the Kazan Diocese the following concerning illegal cohabitation: other priests of the diocese, having gained knowledge from the local police (district police officers) about the illegal cohabitation of some of their parishioners, they ask the illegal cohabitants to separate and force them to enter a legal marriage, whereas clerics in such cases should accept first of all pastoral measures of understanding also the belief of those in illegal cohabitation for the termination of such a sinful life and to have them bless their co-habitation by the mystery of marriage, but then already, in the case of the invalidity of such measures, to return not to the police, but to their nearest authority, the dean, who is obligated to take measures, in order that illegal cohabitants become married, if there will be no lawful obstacles to this, and in case of unsuccessfulness of these measures to inform the Consistories, both about the persistence in illegal co-habitation and about the accepted measures of understanding and belief (see Tserkovnyi Viestnik [Church Messenger], 1897, 2).

It is certainly understood that the local authority ordered the clergy of the named diocese to perform an open method of action that has in view such persons, who publicly live in illegal bonds and concerning the illegal bonds which they have are quite available from the separate jurisdictions, instead of those persons, who remain in secret illegal co-habitation and repent of this as sin in confession (see the Carthaginian Council, canon 147; refer to note 2 on p. 1018).

As to above-stated "pastoral measures of understanding and belief" to those openly living in unlawful bonds then, according to an explanation in the "Tserkovnyi Viestnik [Church Messenger]", it is given to each priest to prudently decide the question concerning the application to his flock of one or the other of these measures, that special care with such measures demand, as not entering a house with prayer or the holy cross and so forth, as similar measures, instead of advantage, quite often brings harm in view of the cooling to the holy temple and embitterment of the person to which it is applied (Tserkovnyi Viestnik [Church Messenger], 1897, 13).

⁴ The definition of the kind and term of church repentance depends on the **spiritual authority**, as in that case when this repentance is imposed by him, and when the secular court rules on this particular repentance, and who informs the spiritual authority about the decision with indications on the kind and quality of the crime.

If the diocesan Hierarch in the definition of the term of church repentance meets with difficulty, then they present this to the Holy Synod with all the supporting explanations (Sv. Zak. [Code of Law], vol. XVI, part 2; Zakon o sudoproizvodstvo [Law on legal proceedings], article 526 publ. 1892).

⁵ The diocesan authority, having defined the terms and pattern of the passage of repentance, usually entrusts the judgment for repentance to his parish or other reliable priest. If it should happen that in the decree of the Spiritual Consistory with precision **is not specified, in what the penance** of the given person must consist, then the priest should ask the Spiritual

Consistory about this (Tserkovnyi Viestnik [Church Messenger], 1898, 38; refer to the order of the Tobolsk diocesan authority, publicized in the Tobol'skiia Eparkhial'niia Viestnik [Tobolsk Diocesan Messenger], 1885, 32).

The passage of penance under the supervision of the spiritual father, as noted by experience, there is a most valid measure, if it is applied privately and zealously, by the father confessor, who might in the spirit of meekness and Christian love to excite consciousness and true repentance (Uk. Sv. Syn. [Decrees of the Holy Synod], 1851, VII, 11.). Thus the father confessor depends on the result of the penance in the feeling of true repentance and the destruction of criminal conduct, to raise in him the liveliest desire and determination henceforth to avoid having a sinful arrangement reigning in his soul and to conduct life faultlessly. About those having penances, the priests **inform the local Consistory** semiannually, with notes, who, for what, for how long, and since when they were on penance. They should be similarly informed by the priest of the Consistory also about the conclusion of the penance (Tserkovniia Vedomosti [Church News], 1895, 38).

On the other hand, the **law of penance** is rather strictly guarded, as for any case of imposing a penance on a servant informed by his authority, but while imposing it on the person of a peasant or on the person of a merchant he loses the right of voluntary departure from the district, where the person under penance stands, for all the duration of the penance (Tserkovnyi Viestnik [Church Messenger], 1894, 41; refer to note 2 on p. 1032)

The church penance is protected by our laws so piously, that even the Highest (Imperial) manifestos do not extend to the matter being imposed for church repentance (see the Ukase of Apr. 15, 1827, № 1033, - Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 195)

Church repentance, for which the forgiven guilty has been awarded, stops or proceeds, at the discretion of the spiritual authorities (Ulozhenie o nakazaniakh [Penal Code], article 167, publ. 1885).

⁶ Penance is imposed **on ecclesiastics** in a monastery or in a place, during which they are confined in monasteries, in view of the prisoners, to order from the treasury for their maintenance 120 rubles per person per year (Polnoie Sobranie Zakonov [Full Collection of Laws], 1836, Oct. 7, № 9655).

Secular persons are cloistered **for a penance**: 1) in the case of an order of the Emperor, 2) when this punishment is imposed by a secular court (see Ulozhenie o nakazaniakh [Penal Code], articles 138, 1549, 1585, 1593, 1594, 1597) and 3) on the proved lack of success of repentance at the place of residence (Uk. Sv. Syn. [Decrees of the Holy Synod], 1851, VII 11; 1868, III, 18).

In the case of secluding someone in a monastery for repentance or for edification in the faith, the diocesan authorities should demand money from the local treasury for the upkeep of the imprisoned person (Uk. Sv. Syn. [Decrees of the Holy Synod] of Feb. 3, 1837).

Persons, who are held in the monasteries for various offences, should not have more than what is necessary for them (Uk. Sv. Syn. [Decrees of the Holy Synod] 1827, V, 5; Svod Zakonov [Code of Laws] vol. XVI, part 2, publ. 1892).

Exiled in settlement or for life **to Siberia**, if they are together sentenced with them to a church repentance, handed over for this in place of exile, for a term, assigned by the local diocesan authorities (Ulozhenie o nakazaniakh [Penal Code], article 58, note 1, publ. 1885; Code of Laws vol. XVI, part 2, article 525, publ. 1892).

⁷ One undergoing penance cannot himself leave the father confessor assigned to him and **transfer to another father confessor** (Reminder for Priests, p. 95). If the one undergoing penance would be required to settle in another parish, then the priest should inform the diocesan authorities about this, so that they can issue the order for the transfer of the one undergoing penance to the management of another priest (Tserkovnyi Viestnik [Church Messenger] 1892, 32).

⁸ **During ancient times, church discipline** was stricter than now, and the people, who have fallen into heavy sins, carried a public repentance and were exposed to such church punishments which are not known in contemporary life. Then there were some categories of penitents or some degrees of repentance (see, e.g., I, 12; Greg. of Neocaesarea, 12; Basil the Great, 56; refer to note 2 on p. 1026).

The first category of penitent, bearing church punishment for his crime, consisted of crying: they stood outside the doors of the prayer house and, standing here, asked the faithful entering the temple to pray for them, thus confessing their

crime. One of the crying might stand under a roof, others stood out in the open, being exposed to all changes in weather (that is why they were called the storm-tossed). The position of the penitent of this degree was such that it stimulated compassion and crying in all those passing by.

The second category, which is a step beyond the crying degree, consisted of hearing the Scriptures: they stood inside the doors to the vestibule, and might be found here until the Prayer for the Catechumens, and must leave before the beginning of this prayer. From the category of the hearers, the penitent passed into the category of the fallen, who stood inside the gate of the temple and left it together with catechumens, before leaving the temple being plunged before the Bishop and all the believers, begging forgiveness, from which there also occurred the name of the fallen.

The last category, which they entered the first three degrees of repentance, they were educated standing with the faithful: they did not leave the temple together with the catechumens and were allowed until the participation in the Prayer of the Faithful, but were not granted participation of the holy mysteries.

Only after the more or less continuous passage through these degrees of repentance, those who have sinned were allowed up to partaking of the holy Mysteries, that meant the full reconciliation with the Church. The specified image of repentance presented itself as an open ascesis of the sincere destruction of the penitent concerning his fall, but four kinds of this repentance expressed as degrees commensurate to the sin of punishment and together the degrees commensurate with the fruits of repentance of returning sinner in dialogue of the faithful and reconciliation with the Church.

⁹ Also deserving attention and publicity in other dioceses is the local spiritual authority's **Manual for Priests** concerning those sentenced to church penance.

Thus, in the "Viatskiiia Eparkhial'niia Vedomosti [Vyatka Diocesan News]" a Manual for Priests published the following regulation relating to those under penance:

1) The goal of public penance is to lead the transgressor to true repentance and the destruction of his sin, to raise and confirm in him the liveliest desire and determination to avoid, as this was done, so also generally all sins and to lead a chastely charitable life. The action of the priest, the father confessor, under whose supervision the transgressor is assigned to undergo his penance, should be toward this goal.

2) The means for this goal from the priest in the pivotal image is to serve according to the intellectual and moral condition of the transgressor with pastoral hortatory instructions, which the priest should do for him as often as possible, calling or visiting him in the place of his residence. The priest has leadership in this matter in the rules stated in the "Book on the Duties of the Parish Presbyter" in articles 90-105. What the priest should firmly remember is that, as much in the edification word, so much in the imperceptible image, he may act on the transgressor by his example within his frame of reference and generally with his way of life and consequently in his behavior, he should generally not allow anything tempting for others and, in particular, for an explanation of the penance (see the "Book on the Duties of the Parish Presbyter, article 109). If the penitent is literate, then give him books to read, selected and assigned mainly those which would promote the excitation of feeling of the destruction generally of sins and, in particular, about those for which the penitent is undergoing church repentance and to demand a report from him about what he read.

3) To observe whether the penitents came to all church services, even in all four Lents, but if it is possible, then it is also more often confessed; and thus to assign to him a certain number of bows at home as in church and others acts of piety, depending on the internal and external condition of the penitent.

4) During all the time of public penance one is not allowed to partake of the Holy Mystery, except in the case of a dangerous illness, which is stated in canon 13 of the First Ecumenical Council, canon 3 of Gregory of Nyssa and § 110 in the "Book on the Duties of the Parish Presbyter", and to then inform the diocesan bishop about these cases.

5) If the priest examines the penitent in his charge for supervision and care and finds him sincere in both living repentance and correction, then he should present this to the diocesan bishop, asking for a reduction in time of the assigned penance. Similarly the priest should inform the bishop if the penitent appears unrepentant, incorrigible and unprepared to fulfill his assigned attendance in church, confession during the Lents, bows in the church and other acts of piety, generally about everything which are found at this or another church, under the order of the diocesan authorities, father confessors of penitents should report semi-annually to the Consistories (refer note 3 on p. 1031).

6) For the most convenient, from the side of the supervising father confessor, for those under penance and giving pastoral exhortations useful for them, in order that the penitent, if not at all, then by extreme measure, the first time under penance he lived close to the church, in the churches, where such facilities are available, in the house or with someone who lives near the church. However, even during the residence of one under penance at the church the priest, depending on the condition of his spirit and in case of his need for servants, can for some time release him from the house for the correction of those needs, observing only that such absences did not harm the good frame of mind of his soul (Viatskiia Eparkhial'niia Viestnik [Vyatka Diocesan News] 1871, 7).

Chernigov Spiritual Consistory (See Chernigovskii Eparkhial'niia Vedomosti [Chernigov Diocesan News] 1894, 24) has given to their priests the following instructions concerning those under penance:

1) For the reduction of betrayed penances in true repentance for behavior correction, the father confessors should generally follow in agreement of the will of the Apostle (Gal. 6:1; · 2 Tim. 4:2).

2) Thus it is necessary to find out the reasons, circumstances and impulses by which the fallen have fallen into sin, in order to more conveniently find a more faithful treatment for the healing of their souls.

3) In conversations with the fallen to explain pernicious consequences of sin, whatever kind it was and for whatever reasons and impulses it resulted, is to expose all criminality and all ruinous actions on his soul and body, on the status of family and public life, temporal and eternal, borrowing for this proof examples from the word of God, sacred history, universal canons and local councils, from the writings of the Holy Fathers and from experience.

4) On the basis of the word of God, the teaching of the Holy Fathers and examples to inspire the fallen, that for averting the disastrous consequences of sin, there are no other means except through sincere repentance with fasting and prayer, by true faith in the Lord Jesus Christ.

5) Those, who, have recognized the ruinous consequences of sin and the salvific actions of repentance, bear worthy fruits of repentance to excite the continued passage of penance by the suggestion of hope on mercy of the Lord, Who "does not will the death of a sinner, but so that he should turn from his way and live" (Ezk. 33:11), and, according to the Ukase [Decree] of the Holy Synod of March 21, 1870 to reduce penance time, with questions of the authority deciding this.

6) And those, who, despite all persuasion remain unrepentant, to frighten with the anger and judgment of God, with the blessing of deprivation, preassigned to the person, and eternal death (see about this in the Book of the Duties of the Parish Presbyter on p. 152 and the duties of the Christian on p. 71).

7) If also behind these betrayed penances he will not come round and provide for the correction of his life, then to inform the authorities in a special official report about this.

8) See the Ukase [Decree] of the Holy Synod of 1851, VII, 11 (see p. 1032) for the general way of executing a penance.

*S. V. Bulgakov, "Handbook for Church Servers", 2nd ed., 1274 pp. (Kharkov, 1900) pp. 1030-1034.
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